

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Robert Bonine Beale,

Civil No. 10-4293 (RHK/JSM)

Petitioner,

**ORDER**

v.

B. Todd Jones, United States Attorney,  
Bruce Pearson, Warden, FCC Yazoo,

Respondents.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated October 29, 2010. No objections<sup>1</sup> have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (Doc. No. 2) is **ADOPTED**;
2. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is construed to be a motion to vacate his conviction and sentence pursuant to 28 U.S.C. § 2255; and

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<sup>1</sup> Petitioner has filed a document entitled "Conditional Acceptance of Report and Recommendation and Notice of Counterclaim (Doc. No. 3) which the Court does not construe as an Objection.

3. The Clerk of Court is directed to re-file petitioner's submissions in this case, and docket them as a § 2255 Motion in United States v. Beale, Crim. No. 06-10 (ADM/JJG).

Dated: December 17, 2010

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge